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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

TETRIS HOLDING, LLC and

THE TETRIS COMPANY, LLC,

Plaintiffs,

vs.

C.A. NO. 09-6115 (FLW) (DEA)

XIO INTERACTIVE, INC.,

Defendant.

VIDEOTAPED DEPOSITION OF

JACOB RUS, VOLUME II

February 11, 2011

1:17 p.m.

Ropes & Gray, LLP

800 Boylston Street

Boston, Massachusetts

Laurie J. Driggers, CCR, RPR, CRR, CLR

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1 MS. MAITRA: Objection; vague.

2 A. Yes. I mean, you can look at the two.

3 They're clearly different.

4 Q. Okay. Can you describe the differences for
5 me?

6 MS. MAITRA: Objection; calls for
7 speculation and vague and form.

8 A. So it's pretty easy to open up a version -- I
9 think either in this Photoshop file or in another
10 Photoshop file, you can actually see the blocks as
11 they went into the final game and you can open them up
12 and see the differences for yourself. But they're
13 pretty clearly -- they're pretty clearly different,
14 like...

15 Q. Well, can you answer my question?

16 MS. MAITRA: Objection; asked and answered
17 and -- same objections.

18 A. So the differences are just the way that these
19 blocks -- these squares look is not the -- like, the
20 other squares, I think, have -- they have rounded
21 corners. They appear more rounded and smooth.
22 They -- they have, like, a texture applied to them.
23 The colors have been changed -- or rather the colors
24 were created from scratch as on -- based on a

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1 completely different, like, design pattern.

2 The -- the way that the -- the way that the
3 color differences within the block, like, the light --
4 the lighter parts and darker parts were created was
5 completely different from this design to my design.

6 I -- I don't know. Like, they're -- they're probably
7 some, you know -- if you want a full description of
8 the differences, I think the easiest thing to do would
9 be to just look at the two and -- and compare them
10 visually.

11 Q. The differences in the blocks between this
12 image here at screenshot and Mino that was released,
13 do those differences affect the game play of Mino at
14 all?

15 MS. MAITRA: Objection; vague and calls
16 for speculation.

17 A. So I suppose it depends slightly on exactly
18 what you mean by game play. I think there are --
19 there are perhaps, like, some elements of the
20 appearance of the blocks that affect game play in some
21 slight way, but for the most part, I would say that --
22 that it's, like, a -- mostly, it's an aesthetic
23 difference rather than a game play difference.

24 I mean, I can imagine, like, it could be a